IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 17177 of 2004

Between:

T. Chandra Sekhar S/o T. Narayana
Engineering & Technology, Hyderabad R/o H. No. 6-3-251/3, Erramanzil

Colony, Hyderabad-5000 82

... PETITIONER

AND

Osmania University rep. by Registrar Hyderabad

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ Mandamus declaring the action of the respondent in not permitting the petitioner to attend the third year classes B.E (Civil) and appearing for the B.E.(Civil) Third year Examinations and complete the course with his Hall Ticket No. 04-02-0030 as illegal unconstitutional and violative of Article 14, 16 and 21 of the Constitution of India and consequently direct the respondent to permit the petitioner to attend the third year classes of B.E. (Civil) Course and appear for the B.E. (Civil) third year examinations.

Counsel for the Petitioner: MR.K.RAMAKANTH REDDY

Counsel for the Respondents: MR.DEEPAK BHATTACHARJEE

The Court made the following Order:

ORDER:

As per the revised Rules of promotion for B.E. (Regular & PTDC/FDH), a candidate seeking promotion from B.E.II Year II Semester To B.E. III Year I Semester should necessarily put less than 50% of the backlogs to his credit from among the total number of papers prescribed for I and II semester of B.E. II year.

2. The only submission made by the learned counsel for the petitioner is that since in W.A.M.P.No.2569 of 2004 in W.A.No.1395 of 2004, this Court ordered Notice Before Admission and the petitioner therein was permitted to attend the classes, hence similar orders can be passed.

3. Learned counsel for the petitioner has not disputed that total number of papers prescribed for II Semester B.E are 16 – 8 each, and out of the 16 papers petitioner has cleared only 6 papers i.e. backlogs are more than 50% of the total number of papers prescribed for I and II Semester of B.E. II year.

4. *Prima facie,* the Division Bench of this Court ordered permitting the petitioner to attend the IV Year classes of B.E. (Civil), if he is eligible as per Rules. Once, *prima facie* the petitioner is found not eligible as per the Rules, no direction as such can be issued in his favour. In view of the same, petitioner is not entitled to attend to third year classes of B.E. and also for the third year examinations, which is contrary to Rules.

Hence, I see no grounds to entertain the present writ petition and it is accordingly dismissed. No costs.

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A. **GOPAL REDDY, J**

September 24, 2004

MRR

To:

1. Registrar, Osmania University, Hyderabad
2. Two C.D. Copies.